

VILLAGE OF POMONA
BOARD OF TRUSTEES MEETING
JULY 28, 2003

A Board of Trustees meeting of the Village of Pomona was held at the Pomona Village Hall, 100 Ladentown Road, Pomona, New York at 7:30 p.m. on July 28, 2003.

Present

Mayor: Herb Marshall
Deputy Mayor: Nick Sanderson
Trustees: Ian Banks
Alan Lamer
Alma Roman

Doris Ulman, Village Attorney
P. J. Corless, Village Engineer
Michael Zrelak, Jr., Building Inspector

Village Clerk: Susan Glantz

Summary of Motions:

Trustee Roman moved to approve the Cablevision Franchise Agreement, as amended. Formal Resolution is attached. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Deputy Mayor Sanderson moved to adopt the amendment to Local Law Chapter 108 Relating to Regulation of Satellite Antennas. Seconded by Trustee Lamer. Motion carried 5-0.

Deputy Mayor Sanderson moved to accept the revised changes to the proposed Local Law Chapter 47. Seconded by Trustee Lamer. Motion carried 5-0.

Deputy Mayor Sanderson moved to adopt the revision to Local Law Chapter 47, as amended, relating to Certificates of Occupancy Escrow Funds. Seconded by Trustee Lamer. Motion carried 5-0.

Trustee Lamer moved to adopt the Minutes of June 9, 2003 as presented. Seconded by Trustee Roman. Motion carried 5-0.

Deputy Mayor Sanderson moved to adopt the Minutes of June 23, 2003 as presented. Seconded by Trustee Banks. Motion carried 5-0.

Trustee Lamer moved to adopt the Minutes of July 14, 2003 as presented. Seconded by Trustee Roman. Motion carried 4-0-1. Deputy Mayor Sanderson abstained.

Trustee Banks moved to approve an expenditure not to exceed \$1210.00 to paint the interior of the Cultural Center and the eaves at the rear of the building. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Deputy Mayor Sanderson moved a resolution specifying that the letter of credit in the amount of \$221,125.00 deposited by Highgate Development Corp. drawn on Provident Bank dated May 24, 2001 for Sections 3A, 3B and 4 at Overlook Road in the subdivision known as Highgate Estates is hereby cancelled and to be returned to Highgate Estates for the reason that the subsequent submission of three letter of credited dated June 6, 2002 drawn on the Provident Bank and deposited by Highgate Estates were issued pursuant to a Developer's Agreement dated June 10, 2002 which superceded the prior letter of credit. Seconded by Trustee Lamer.

Trustee Banks moved to amend the resolution adding: That three letters of credit dated June 10, 2002 are replacing the original letter of credit pursuant to the Developer's Agreement are in the amounts of \$37,500.00, \$143,425.00 and \$51,250.00. Seconded by Deputy Mayor Sanderson. Amendment carried 5-0.

The amended motion was then voted on and carried 5-0.

Deputy Mayor Sanderson moved to return escrow on the following lots to JWL Construction H-14 \$1500.00, G-32 \$643.00, G-24 \$1570.00, G-31 \$1137.00, G-33 \$620.00, G-23 \$2986.00, C-45 \$605.00, G-18 \$800.00, G-30 \$4430.00, G-41 \$1512.00 and C-55 \$3080.00 (11 parcels). Seconded by Trustee Banks. Motion carried 5-0.

Deputy Mayor Sanderson moved to return escrow on H-15 to JWL Construction for street maintenance of \$1500.00. Seconded by Trustee Lamer. Motion carried 5-0.

Deputy Mayor Sanderson moved to return partial escrow on Lot H-15 to JWL Construction for paving and landscaping of \$6000.00 with \$3000.00 remaining in escrow for work not completed. Seconded by Trustee Lamer. Motion carried 5-0.

Deputy Mayor Sanderson moved to return partial escrow on Lot C-58 to 3-Star Realty, Inc. in the amount of \$6100.00 with \$6000.00 remaining in escrow for work not completed. Seconded by Trustee Banks. Motion carried 5-0.

Deputy Mayor Sanderson moved to return escrow on Lot C-51 to Avi-Davi, Inc. in the amount of \$2125.00 for street maintenance and \$1500.00 for landscaping, a total of \$3625.00. Seconded by Trustee Lamer. Motion carried 5-0.

Deputy Mayor Sanderson moved to return partial escrow on Lot C-50 to Avi-Davi, Inc. in the amount of \$1500.00 for landscaping and retaining \$1716.00 for street maintenance. Seconded by Trustee Roman. Motion carried 5-0.

Deputy Mayor Sanderson moved to return escrow on Lot C-52 to Lifestyle Builders in the amount of \$1765.00 for street maintenance. Seconded by Trustee Lamer. Motion carried 5-0.

Deputy Mayor Sanderson moved to reappoint Richard Blumenthal to the Zoning Board of Appeals for a 5-year term, 2003 to 2008. Seconded by Trustee Lamer. Motion carried 5-0.

Trustee Banks moved to approve an amount not to exceed \$2300.00 from All-Type Signs for signs for Burgess Meredith Park, Secor Court Park and the handicap entrance at Village Hall. Trustee Lamer seconded. Motion carried 5-0.

Trustee Banks moved to accept the proposal from Bellvue Landscaping Inc. to clear the shrubbery, correct the swale and install 2" grade drainage rocks at Tamarack Park for a maximum cost of \$6000.00. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Trustee Banks moved to approve an expenditure of \$450.00 to Wickes to spray and destroy the poison ivy around the trees and fence at Village Hall. Seconded by Trustee Roman. Motion carried 5-0.

Deputy Mayor Sanderson moved to adopt the Expenditure Approval Procedure as presented. Seconded by Trustee Lamer. Motion carried 5-0.

Deputy Mayor Sanderson moved the resolution, that the payment of General Fund Claims totaling \$57,736.80 set forth on pages 1 through 7 in the Monthly Abstract Listing dated July 25, 2003 as submitted by the Village Clerk-Treasurer are hereby approved subject to individual audits by the Board of Trustees. Seconded by Trustee Lamer. Motion carried 5-0.

Deputy Mayor Sanderson moved to set a public hearing for August 18, 2003 at 7:30 p.m. on the local law amending the Code of the Village of Pomona in relation to residency of Village officers. Seconded by Trustee Roman. Motion carried 5-0.

Trustee Lamer moved to set a public hearing for August 18, 2003 at 7:45 p.m. on the local law amending the Code of the Village of Pomona establishing the Office of Village Engineer. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

1. Salute the Flag

2. Open Period

No one appeared to speak.

3. Public Hearings

A. Cable Franchise Renewal

Mayor Marshall noted changes that were made to the agreement on file and presented a Resolution approving the Cablevision Franchise Agreement (attached to the minutes). Emilie Spaulding, Director of Government and Public Affairs was in attendance for any questions that needed to be answered.

Deputy Mayor Sanderson moved to close the Public Hearing. Seconded by Trustee Roman. Motion carried 5-0.

Trustee Roman moved to approve the Cablevision Franchise Agreement as amended. Formal resolution attached. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

B. Local Law Chapter 108 – Satellite Antennas

Mayor Marshall explained that the amendment to the local law adds language relating to the size of antennas that are used and then opened the Public Hearing.

Avanash Sharma, 6 Oak Ridge Court, Pomona inquired about the local law and what the amendment covered.

Deputy Mayor Sanderson explained that the current law covers the large size antennas used on satellite poles. The amendment would allow the smaller satellites that are installed and used by homeowners.

Deputy Mayor Sanderson moved to close the Public Hearing. Seconded by Trustee Lamer. Motion carried 5-0.

Deputy Mayor Sanderson moved to adopt the revision of Local Law Chapter 108 Relating to Regulation of Satellite Antennas. Seconded by Trustee Lamer. Motion carried 5-0.

C. Local Law Chapter 47 – Certificates of Occupancy Escrow Funds

Mayor Marshall opened the Public Hearing. No one appeared to speak.

Deputy Mayor Sanderson moved to close the Public Hearing. Seconded by Trustee Lamer. Motion carried 5-0.

Mayor Marshall explained that the new Village Attorney, after reviewing the proposed revision of the Local Law 47 suggested some additional changes. He then read the amended local law outlining the changes, (attached to Minutes).

Deputy Mayor Sanderson moved to accept the revised changes to Local Law Chapter 47. Seconded by Trustee Lamer. Motion carried 5-0.

Deputy Mayor Sanderson moved to adopt the revision to Local Law Chapter 47, as amended, relating to Certificates of Occupancy Escrow Funds. Seconded by Trustee Lamer. Motion carried 5-0.

4. Adoption of Minutes

A. June 9, 2003

Trustee Lamer moved to adopt the Minutes of June 9, 2003 as presented. Seconded by Trustee Roman. Motion carried 5-0.

B. June 23, 2003

Deputy Mayor Sanderson moved to adopt the Minutes of June 23, 2003 as presented. Seconded by Trustee Banks. Motion carried 5-0.

C. July 14, 2003

Trustee Lamer moved to adopt the Minutes of July 14, 2003 as presented. Seconded by Trustee Roman. Motion carried 4-0-1. Deputy Mayor Sanderson abstained.

5. Cultural Center

A copy of the Director's report is attached to the Minutes. An estimate to paint the interior (\$835.00) and the eaves at the rear of the building (\$375.00) of the Cultural Center was discussed.

Trustee Banks moved to approve an expenditure not to exceed \$1210.00 to paint the interior of the Cultural Center and the eaves at the rear of the building. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Mr. Gde inquired about the status of acquiring a shed for storage in the back of the Cultural Center building. The matter was tabled to the next meeting.

6. Building Department

A. Engineering

Mr. William Stein, Consulting Engineer for Highgate Development Corporation (JWL Construction), appeared before the Board to request the return of a letter of credit in the amount of \$221,125.00. Mr. Stein stated the letter of credit had been duplicated when a developer's agreement was enacted and three separate letters of credit were posted at that time. Doris Ulman, Village Attorney, researched the matter and recommended that the original letter of credit dated May 24, 2001 in the amount of \$221,125.00 be returned.

Deputy Mayor Sanderson moved a resolution specifying that the Letter of Credit in the amount of \$221,125.00 deposited by Highgate Development Corp. drawn on Provident Bank dated May 24, 2001 for Sections 3A, 3B and 4 at Overlook Road in the subdivision known as Highgate Estates is hereby cancelled and to be returned to Highgate Estates for the reason that the subsequent submission of three letter of credited dated June 6, 2002 drawn on the Provident Bank and deposited by Highgate Estates were issued pursuant to a Developer's Agreement dated June 10, 2002 which superceded the prior letter of credit. Seconded by Trustee Lamer.

Trustee Banks moved to amend the resolution adding: That three letters of credit dated June 10, 2002 are replacing the original letter of credit pursuant to the Developer's Agreement are in the amounts of \$37,500.00, \$143,425.00 and \$51,250.00. Seconded by Deputy Mayor Sanderson. Amendment carried 5-0.

The amended motion was then voted on and carried 5-0.

Attached is a list of return of escrow requests. Mr. Corless recommended returning escrow for curb maintenance on the following lots: H-14 \$1500.00, G-32 \$643.00, G-24 \$1570.00, G-31 \$1137.00, G-33 \$620.00, G-23 \$2986.00, C-45 \$605.00, G-18 \$800.00, G-30 \$4430.00, G-41 \$1512.00 and C-55 \$3080.00 (11 parcels).

Deputy Mayor Sanderson moved to return escrow on the following lots to JWL Construction H-14 \$1500.00, G-32 \$643.00, G-24 \$1570.00, G-31 \$1137.00, G-33 \$620.00, G-23 \$2986.00, C-45 \$605.00, G-18 \$800.00, G-30 \$4430.00, G-41 \$1512.00 and C-55 \$3080.00 (11 parcels). Seconded by Trustee Banks. Motion carried 5-0.

Mr. Corless recommended the partial return of escrow on Lot H-15 for paving and landscape \$6000.00 with a remaining escrow balance of \$3000.00. Also, on Lot H-15 for street maintenance \$1500.00.

Deputy Mayor Sanderson moved to return escrow on H-15 to JWL Construction for street maintenance of \$1500.00. Seconded by Trustee Lamer. Motion carried 5-0.

Mr. Corless reported that additionally on Lot H-15 regarding the paving and landscaping, with an escrow of \$9000.00, he is recommending the return of \$6000.00 because all the work has not been completed, i.e., cleaning up the rocks, trees, etc.

Deputy Mayor Sanderson moved to return partial escrow on Lot H-15 to JWL Construction for paving and landscaping of \$6000.00 with \$3000.00 remaining in escrow for work not completed. Seconded by Trustee Lamer. Motion carried 5-0.

Mr. Corless recommended the return of partial escrow to 3-Star Realty, Inc. in the amount of \$6100.00 and retaining \$6000.00 for work not completed.

Deputy Mayor Sanderson moved to return partial escrow on Lot C-58 to 3-Star Realty, Inc. in the amount of \$6100.00 with \$6000.00 remaining in escrow for work not completed. Seconded by Trustee Banks. Motion carried 5-0.

Mr. Corless recommended the return of escrow to Avi-Davi, Inc. on Lot C-51 in the amount of \$2125.00 for street maintenance and \$1500.00 for landscaping, a total of \$3625.00.

Deputy Mayor Sanderson moved to return escrow on Lot C-51 to Avi-Davi, Inc. in the amount of \$2125.00 for street maintenance and \$1500.00 for landscaping, a total of \$3625.00. Seconded by Trustee Lamer. Motion carried 5-0.

Mr. Corless recommended the return of partial escrow to Avi-Davi, Inc. on Lot C-50 in the amount of \$1500.00 for landscaping and retaining \$1716.00 for street maintenance.

Deputy Mayor Sanderson moved to return partial escrow on Lot C-50 to Avi-Davi, Inc. in the amount of \$1500.00 for landscaping and retaining \$1716.00 for street maintenance. Seconded by Trustee Roman. Motion carried 5-0.

Mr. Corless recommended the return of escrow to Lifestyle Builders on Lot C-52 in the amount of \$1765.00 for street maintenance.

Deputy Mayor Sanderson moved to return escrow on Lot C-52 to Lifestyle Builders in the amount of \$1765.00 for street maintenance. Seconded by Trustee Lamer. Motion carried 5-0.

Mayor Marshall commented that a request has been made by CMU Builders for a return of escrow in the amount of \$8000.00. Mr. Corless responded that CMU posted the money, not the current homeowner and the Board cannot return the money to a third party. The matter was turned over to Doris Ulman, Village Attorney, to research the matter and report back to the next Board meeting.

Mayor Marshall will see what the Village can do about the vacant house started by CMU Builders, who is in bankruptcy. Mrs. Ulman commented that since the property is in bankruptcy the Village can do nothing at this time. Trustee Banks commented that it is a hazard to the community and something has to be done about it.

Mr. Corless reported that Tilcon is interested in completing the berm work in the Village and will attempt to do the work the second week in August.

Mrs. Ulman reported that some steps have been taken regarding the hydrants in the Village but the matter has not been resolved yet.

The matter of work permits for residents was tabled to the next Board meeting.

Mayor Marshall received a complaint about flooding on North Circle and a drainage problem. Mr. Corless replied that 3 North Circle experienced flooding off of Wolf Road during the recent heavy rains. Dirt filled up the storm drains and the rain water ran over the drain and into 3 North Circle. Mr. Corless is working with Mr. Schecter to resolve the matter. Mr. Helfgott, Code Enforcement Officer, reported that a large amount of stone has been dropped in the road and is diverting the water flow into North Circle.

B. Planning and Zoning

Mayor Marshall recommended the reappointment of Richard Blumenthal to the Zoning Board for a 5-year term.

Deputy Mayor Sanderson moved to reappoint Richard Blumenthal to the Zoning Board of Appeals for a 5-year term, 2003 to 2008. Seconded by Trustee Lamer. Motion carried 5-0.

7. Committee Reports

A. Recreation

Nothing at this time.

B. Buildings and Parks

Trustee Banks submitted a proposal from All-Type Signs for signs for 2 signs at Burgess Meredith Park, 1 at each entrance, 1 sign at Secor Court entrance and 1 sign at the handicap entrance at Village Hall in the amount of \$1829.00. Trustee Banks distributed a proposed park rules that needs to be included on the park signs for Board comments. Trustee Banks will obtain estimates for two signs at Village Hall.

Trustee Banks moved to approve an amount not to exceed \$2300.00 from All-Type Signs for signs for Burgess Meredith Park, Secor Court Park and the handicap entrance at Village Hall. Trustee Lamer seconded. Motion carried 5-0.

Trustee Banks and Mr. Corless will visit Secor Park to come up with a plan to change the path into the park.

Trustee Banks distributed the proposal from Bellvue Landscaping Inc. regarding the drainage at Tamarack Park.

Trustee Banks moved to accept the proposal from Bellvue Landscaping Inc. to clear the shrubbery, correct the swale and install 2" grade drainage rocks at Tamarack Park for a maximum cost of \$6000.00. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Trustee Lamer commented that the proposal quoted \$1500.00 a day with an estimate of 3 to 4 days and the materials would be billed separately. Mr. Corless will talk with Bellvue to ensure they don't exceed \$6000.00.

Trustee Banks discussed the Wickes proposal for trimming the trees at Village Hall. Wickes wants the poison ivy sprayed and killed before they start work on the trees. The proposal for the spraying is \$450.00. Mayor Marshall requested confirmation from Wickes that the spray used is not harmful to animals in the area.

Trustee Banks moved to approve an expenditure of \$450.00 to Wickes to spray and destroy the poison ivy around the trees and fence at Village Hall. Seconded by Trustee Roman. Motion carried 5-0.

Trustee Banks then brought up for discussion only the lighting for the flag on the flagpole. Also, plant screening for the front of Village Hall and pavers for the walkway from the front door to the parking lot. Trustee Banks will develop a plan and pricing for these items.

C. Beautification/Clean-up

Constantine Gletsos, 56 Halley Drive, Chairman of the Clean-Up Committee addressed the Board. Mr. Gletsos commented that he does not have enough people on his Committee to go out and clean-up. The Committee needs more volunteers to help with the clean-up of the Village's roads. The area on Quaker Road across from Barr Laboratories where the Verizon trucks park to work on the telephone boxes is one of the most littered areas. He is working with Barr Laboratories and Verizon to try and keep the area clean. He is requesting approval of the concept to install two flower beds similar to the planted area on the corner of Thiells-Mt. Ivy Road at the Quaker Road site and at the intersection of Quaker Road and the Palisades Parkway Entrance/Exit to help discourage people from throwing litter. Mayor Marshall responded that the property at the Quaker Road and Palisades Parkway belongs to the Palisades Parkway Commission and not the Village. Mr. Gletsos will contact the New York State DOT to obtain permission to plant on that strip of property. The Board was unanimous in their approval of the concept of Mr. Gletsos' plans, pending the approval from the NYS DOT. Mayor Marshall will contact Verizon regarding the discarding of their excess wiring in the

area instead of putting it back on the truck. Clerk Glantz will contact Verizon tomorrow to speak to someone about the problem with their trucks parking and littering in the Quaker Road area.

D. Other

Nothing at this time.

8. Finance

**A. Treasurer's Report
Expenditure Resolution**

A copy of the Treasurer's Report is attached to the Minutes. Mayor Marshall introduced an Expenditure Approval Procedure. A copy of the procedure is attached to the Minutes.

Deputy Mayor Sanderson moved to adopt the Expenditure Approval Procedure as presented. Seconded by Trustee Lamer. Motion carried 5-0.

Deputy Mayor Sanderson moved the resolution, that the payment of General Fund Claims totaling \$57,736.80 set forth on pages 1 through 7 in the Monthly Abstract Listing dated July 25, 2003 as submitted by the Village Clerk-Treasurer are hereby approved subject to individual audits by the Board of Trustees. Seconded by Trustee Lamer. Motion carried 5-0.

B. Grants and Awards

Mayor Marshall announced the CHIPS award for 2003 is \$58,470.35.

9. Code Enforcement

Mr. Helfgott reported on some of the issues that arose during the month. The issues covered were dumping of "white goods", leaves, twigs and tree limbs, etc. There is a problem with parking on the corner of Mallard and Mountain View. He will work with Mrs. Ulman on this matter.

10. Legal Period

Mayor Marshall opened a discussion relating to our reorganization resolutions. Mrs. Ulman commented that appointments by resolutions were at the end of May which is not the official year. The official year begins and ends the first Monday in April. The end of May is the budget year. The salaries of the Mayor and the Board of Trustees do not need to be included in the resolutions. They are in the budget and a matter of public record. Some of the appointees made each year do not need to be reappointed, they are employees and serve at the pleasure of the Mayor. One major correction is that the Clerk's term is for two years and needs to be changed.

Mayor Marshall then introduced a resolution amending the Code regarding residency of Village Officers. A copy of the resolution is attached to the Minutes. The change moves the residency requirement from the Village to the County.

Deputy Mayor Sanderson moved to set a public hearing for August 18, 2003 at 7:30 p.m. on the local law amending the Code of the Village of Pomona in relation to residency of Village officers. Seconded by Trustee Roman. Motion carried 5-0.

Mayor Marshall introduced a resolution amending the Code establishing the Office of Village Engineer. A copy of the resolution is attached to the Minutes.

Trustee Lamer moved to set a public hearing for August 18, 2003 at 7:45 p.m. on the local law amending the Code of the Village of Pomona establishing the Office of Village Engineer. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

The proposed revision of the local law relating to Noise and Traffic Control was tabled to the next Board meeting pending review by Mrs. Ulman.

11. Old Business

Mayor Marshall requested the Board Members to prepare a list of possible grant targets to be pursued. The matter will be pursued at the September Workshop Meeting.

12. New Business

Nothing at this time.

13. Office Period

Nothing at this time.

14. Trustees Period

Trustee Roman asked for a separate Committee to work on a "Day of Caring". A welcoming for new residents will also be investigated.

Deputy Mayor Sanderson moved to adjourn to Executive Session to discuss matter of litigation and personnel. Seconded by Trustee Lamer. Motion carried 5-0.

Trustee Roman moved to close the Executive Session and reopen the Public Meeting. Seconded by Trustee Lamer. Motion carried 5-0.

Meeting adjourned at 10:30 p.m.

Respectfully submitted,

Malverne J. Toll